

PATENT APPLICATION
Mo-7966
LeA 35,371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
JUENGERMANN ET AL)
SERIAL NUMBER: 10/734,680)
FILED: DECEMBER 12, 2003)
TITLE: A LEAD-FREE MIXTURE AS A)
RADIATION PROTECTION ADDITIVE)

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JUN 21 2004
LICENSING & REVIEW

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the communication dated May 6, 2004 from the U.S. Patent Office. Enclosed is an Oath and Declaration Under 37 CFR 1.68 signed by some of the inventors. Applicants are using their best efforts to obtain the necessary signatures. Unfortunately, as the inventors are located in Germany and Russia, we have been unable to obtain all of their signatures. Applicants will furnish a fully signed declaration once it is received.

Respectfully submitted,

By

Jennifer R. Seng
Attorney for Applicants
Reg. No. 45,851

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3879
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(412) 777-3902
/vjt/JRS7966Communication

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Jennifer R. Seng - Reg. No. 45,851
Type or print name of person signing certification
Signature
June 21, 2004
Date

OATH AND DECLARATION UNDER 37 CFR 1.68

We 1) Hardy Jungermann; 2) Jürgen Kirsch; 3) Heinz Pudlener; 4) Burkhard Werden; 5) Edgar Leitz;
6) Detlev Joachimi; 7) Peter-Alexander Gottschalk; 8) Klaus Zander; 9) Klaus Mader; 10) Richard Kopp;
11) Alexander Iwanovitsch Korschunow; 12) Konstantin Awtonomowitsch Kapitanow; 13) Gennadii Gricoriewitsch
Sawkin; 14) Wladimir Michailowitsch Nikitin; 15) Jelena Saweljewna Nasarowa; 16) Igor Leonidowitsch Ryschakow
citizens of Germany and Russia

residing at 1) 59457 Wert, Germany; 2) 51375 Leverkusen, Germany; 3) 47800 Krefeld, Germany; 4) 51381
Leverkusen, Germany; 5) 41541 Dormagen, Germany; 6) 47800 Krefeld, Germany; 7) 51107 Köln, Germany;
8) 45478 Mülheim, Germany; 9) 51709 Marienheide, Germany; 10) 51061 Köln, Germany; 11) 607190 Sarov,
Russia; 12) 607190 Sarov, Russia; 13) 607190 Sarov, Russia; 14) 607190 Sarov, Russia; 15) 607190 Sarov,
Russia; 16) 607190 Sarov, Russia

declare:

That we made and conceived the invention described and claimed in patent application:

Serial Number 10/734 680 filed in the United States of America on December 12, 2003

Titled A LEAD-FREE MIXTURE AS A RADIATION PROTECTION ADDITIVE

(Check and complete either I or II below)

☒ I. (For Inventors Employed by an Organization) That we made and conceived this invention while employed by Bayer Aktiengesellschaft. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of

Bayer Aktiengesellschaft

(name of employer)

Other relevant facts are _____

That to the best of my (our) knowledge and belief (and/or) based upon information provided by _____ of _____

-OR-

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

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(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors; Energy Research and Development Administration or the Department of Energy.

-AND/OR-

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: _____

Post Office Address: 1) Hardy Jöngermann
Finkenstr. 12, 59457 Werl, Germany

Date: _____

Inventor's Signature: Jürgen Kirsch

Post Office Address: 2) Jürgen Kirsch
Völklinger Str. 20, 51375 Leverkusen, Germany

Date: Leverkusen, June 3, 2004

Inventor's Signature: _____

Post Office Address: 3) Heinz Pudleiner
Bethelstr. 39, 47800 Krefeld, Germany

Date: _____

Inventor's Signature: _____

Post Office Address: 4) Burkhard Werden
Höhenstr. 90, 51381 Leverkusen, Germany

Date: _____

Inventor's Signature: _____

Post Office Address: 5) Edgar Lelitz
Herrnweg 25, 41541 Dormagen, Germany

Date: _____

Inventor's Signature: 6) Detlev Joachimi
Scheiblerstr. 103, 47800 Krefeld, Germany

Date: _____

PO7966

-2-

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PAGE.03

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

- ☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

-AND/OR-

- ☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

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Inventor's Signature: _____

1) Hardy Jöngermann

Post Office Address: Finkenstr. 12, 59457 Werl, Germany

Date: _____

Inventor's Signature: _____

2) Jürgen Kürsch

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Date: _____

Inventor's Signature: Heinz Pudleiner

3) Heinz Pudleiner

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Date: 2004-06-03

Inventor's Signature: _____

4) Burkhard Werden

Post Office Address: Höhenstr. 90, 51381 Leverkusen, Germany

Date: _____

Inventor's Signature: _____

5) Edgar Leitz

Post Office Address: Harrenweg 25, 41541 Dormagen, Germany

Date: _____

6) Detlev Joachimi

Inventor's Signature: Scheiblarstr. 103, 47800 Krefeld, Germany

Date: _____

PO7986

-2-

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

-AND/OR-

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: _____
1) Hardy Jüngermann
Post Office Address: Finkenstr. 12, 58457 Werl, Germany

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Inventor's Signature: _____
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Date: _____

Inventor's Signature: Edgar Leitz
5) Edgar Leitz
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Date: 2004-06-03

Inventor's Signature: _____
6) Detlev Joachimi
Post Office Address: Scheiblenstr. 103, 47800 Krefeld, Germany

Date: _____

PO7966

-2-

Inventor's Signature: _____

Post Office Address: 7) Peter-Alexander Gottschalk
Wolfgangstr. 101, Köln, Germany

Date: _____

Inventor's Signature: _____

Post Office Address: Klaus Zander
Uranusbogen 12, 45478 Mühlheim, GermanyDate: 03.06.2004

Inventor's Signature: _____

Post Office Address: 9) Klaus Mader
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Date: _____

Inventor's Signature: _____

Post Office Address: 10) Richard Kopp
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Date: _____

Inventor's Signature: _____

Post Office Address: 11) Alexander Iwanowitsch Korschunow
Schewtschenko Str. 30-32, 607190 Sarov, Russia

Date: _____

Inventor's Signature: _____

Post Office Address: 12) Konstantin Awtonomowitsch Kapitanow
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Date: _____

Inventor's Signature: _____

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Date: _____

Inventor's Signature: _____

Post Office Address: 14) Wladimir Michajlowitsch Nikitin
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Date: _____

PO7966

-3-

Inventor's Signature: _____

18) Igor Leonidowitsch Ryshakow

Post Office Address: _____

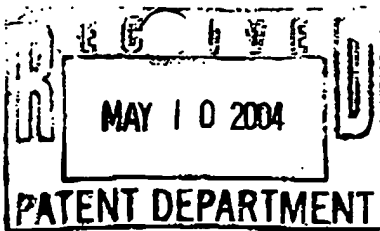
Musnikow Str. 22-114, 607190 Sarov, Russia

Date: _____

/vju7966invention declaration

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-4-


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/734,680	12/12/03	JUENGERMANN, ET AL.	PO7966/LeA 35,371

 BAYER POLYMERS LLC
 100 BAYER ROAD
 PITTSBURGH, PA 15205

EXAMINER	
ART UNIT	PAPER NUMBER

DUPLICATE
BY RT 5/10/04
DATE 6/6/04 Response
FORWARDED

DATE MAILED: **MAILED****MAY - 6 2004****LICENSING & REVIEW**
**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
 FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (202) 473-7701

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
 ATTENTION OF LICENSING AND REVIEW**

Bayer Polymers Americas



Date June 21, 2004

To LICENSING AND REVIEW

Company _____

Fax 703-305-7658 Pages 8

From Jennifer R. Seng - Reg. No. 45,851

Fax 412-777-3902 Tel. 412-777-3879

CC: _____

Re: U.S. Serial No. 10/734,680
PO7966/LeA 35,371

FAX

Bayer Polymers LLC
Americas
100 Bayer Road
Pittsburgh, PA 15205-9741

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JUN 21 2004
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Enclosed is Form PTOL 456, Communication from the Attorney to the U.S.
Patent Office, Oath and Declaration Under 37 CFR 1.68

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in